

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
                          v.                                   Criminal No. 05-       -KPN  
  )  
ZHOU HUA NI,                                    )  
                          Defendant.                    )

Motion for Detention Hearing

The United States moves for pretrial detention of defendant, pursuant to 18 U.S.C. § 3142(e) and (f).

1. Eligibility of Case. This case is eligible for a detention order because it involves (check all that apply):

- \_\_\_\_\_ Crime of violence (18 U.S.C. § 3156)  
\_\_\_\_\_ Maximum sentence of life imprisonment or death  
\_\_\_\_\_ 10 plus years drug offense  
\_\_\_\_\_ Felony, with two prior convictions in above categories  
\_\_\_X\_\_\_ Serious risk defendant will flee  
\_\_\_\_\_ Serious risk of obstruction of justice

2. Reason for Detention. The Court should detain defendant because there are no conditions of release which reasonably will assure (check on or both):

- \_\_\_X\_\_\_ Defendant's appearance as required  
\_\_\_\_\_ Safety of any other person and the community

3. Rebuttable Presumption

The United State (~~will~~, will not) invoke the rebuttable presumption against defendant pursuant to 18 U.S.C. § 3142(e).

If "yes," the presumption applies because (check one or both):

\_\_\_\_\_ Probable cause to believe defendant committed 10 plus year drug offense or firearms offense, 18 U.S.C. § 924(c)

\_\_\_\_\_ Previous conviction for "eligible" offense committed while on pretrial bond

4. Time for Detention Hearing. The United States requests that the Court conduct the detention hearing,

  X   At first appearance

\_\_\_\_\_ After continuance of \_\_\_\_\_ days (not more than 3)

5. Witnesses. The United States intends rely upon a proffer by an Assistant U.S. Attorney or the testimony of witnesses. The amount of time for the government's proffer or direct examination of witnesses is estimated to be: one-half hour.

6. Other Matters.

The defendant is not a citizen of the United States or lawfully admitted for permanent residence. If the Court does not order the defendant held pending his return to the Eastern District of Louisiana, the government requests that the Court order the defendant be detained temporarily pursuant to 18 U.S.C. § 3142(d).

Respectfully submitted,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By:

Kevin O'Regan  
Kevin O'Regan  
Assistant U.S. Attorney

Dated: February 3, 2005